

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and ) Civil Action No. 3:16-cv-02267  
on Behalf of All Others Similarly Situated, )  
Plaintiff, ) Honorable Aleta A. Trauger  
vs. ) ) PLAINTIFF'S MOTION FOR LEAVE TO  
CORRECTIONS CORPORATION OF ) FILE UNDER SEAL  
AMERICA, et al., )  
Defendants. )  
)

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Pursuant to Rules 5.03 and 7.01 of the Civil Local Rules of Court ("L.R."), Administrative Order No. 167-1: Administrative Practices and Procedures for Electronic Case Filing §5.07 and Orders of this Court (ECF Nos. 246, 275, 295), Plaintiff<sup>1</sup> hereby moves the Court for leave to file under seal unredacted versions of the Reply in Support of Plaintiff's Motion for Discovery Sanctions (the "Reply"), and the Declaration of Christopher M. Wood in Support of Reply in Support of Plaintiff's Motion for Discovery Sanctions and the exhibits thereto ("Wood Declaration") (which are being filed contemporaneously herewith as "Sealed Documents."<sup>2</sup>

Under the Revised Stipulation and Protective Order (ECF No. 86) ("Protective Order"), Plaintiff is required to "file[] under seal, redacted, or protected from public disclosure" any document that it submits to the Court and that reflects "Confidential Discovery Material." Protective

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<sup>1</sup> "Plaintiff" is Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the LongView Collective Investment Fund. "Defendants" are Corrections Corporation of America ("CCA") and certain of its executives. Following the filing of this action, Defendants rebranded CCA and now refer to it as CoreCivic.

<sup>2</sup> The Reply and Wood Declaration contain information that Defendants have designated as "Confidential." Plaintiff respectfully submits that filing redacted versions of these documents is impracticable.

Order, ¶12. The Reply and Wood Declaration contain information produced by Defendants in discovery and designated “Confidential.”

Plaintiff does not believe grounds exist to overcome the strong presumption in favor of openness as to court records. *See Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (“Unlike information merely exchanged between the parties, ‘[t]he public has a strong interest in obtaining the information contained in the court record.’”) (quoting *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180 (6th Cir. 1983) (alteration in original)).

In any case, while the Court should allow the documents to be filed under seal pursuant to L.R. 5.03, because Defendants are “the party who designated the materials as confidential or otherwise seeks to restrict access to the materials,” the burden is on Defendants to demonstrate “compelling reasons to seal the documents and that the sealing is narrowly tailored to those reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing factual support and legal citations,” in order for the documents to remain under seal. L.R. 5.03(a)-(b).

DATED: October 19, 2020

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CHRISTOPHER M. WOOD, #032977  
CHRISTOPHER H. LYONS, #034853

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**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on October 19, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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